

IC 13-18-11

Chapter 11. Operator Certification

IC 13-18-11-1

Exclusion of certain water supply systems

Sec. 1. (a) As used in this chapter, "transient noncommunity water system" has the meaning set forth in IC 13-11-2-237.5.

(b) The commissioner may determine that this chapter does not apply to a transient noncommunity water system.

As added by P.L.1-1996, SEC.8. Amended by P.L.132-2000, SEC.2; P.L.1-2001, SEC.18.

IC 13-18-11-1.5

Certification program for operators

Sec. 1.5. The department shall adopt regulations to implement certification programs for operators of water treatment plants or water distribution systems. The certification program for the operators shall be classified in accordance with the complexity, size, and source of the water for the treatment system and the complexity and size for the distribution system.

As added by P.L.132-2000, SEC.3.

IC 13-18-11-2

Classification of treatment plants

Sec. 2. The commissioner shall classify all water treatment plants, wastewater treatment plants, and water distribution systems actually used or intended for use:

(1) with due regard to the:

(A) size;

(B) type;

(C) character of wastes or water to be treated; and

(D) other physical conditions affecting those plants and systems; and

(2) according to the:

(A) skill;

(B) knowledge; and

(C) experience;

that the operator in responsible charge must have to successfully supervise the operation of those facilities so as to protect the public health.

As added by P.L.1-1996, SEC.8.

IC 13-18-11-3

Plant operators

Sec. 3. The commissioner shall certify persons as to their qualifications to supervise successfully the operation of:

(1) water treatment plants;

(2) water distribution systems; and

(3) wastewater treatment plants.

As added by P.L.1-1996, SEC.8.

IC 13-18-11-4

Plant operators; certificates of competency

Sec. 4. (a) The commissioner shall issue certificates attesting to the competency of operators. A certificate must indicate the classification of works, plant, or system that the operator is qualified to supervise.

(b) Each operator shall prominently display the operator's certificate in the office of the operator.

As added by P.L.1-1996, SEC.8.

IC 13-18-11-5

Application; fees

Sec. 5. The commissioner shall prescribe and provide an application form for use by applicants in applying for the appropriate certificate issued under this chapter. An applicant must deposit a fee of thirty dollars (\$30) at the time of making application for certification.

As added by P.L.1-1996, SEC.8.

IC 13-18-11-6

Renewal

Sec. 6. (a) A wastewater treatment plant operator certified under this chapter may renew the operator's certificate biennially by paying a renewal fee of thirty dollars (\$30).

(b) The fee is due and payable before July 2 of the year for which a renewal certificate is issued.

(c) A wastewater treatment plant operator who fails to renew a certificate for three (3) successive years may not receive a renewal certificate without reexamination.

As added by P.L.1-1996, SEC.8. Amended by P.L.132-2000, SEC.4.

IC 13-18-11-6.5

Triennial renewal of certificate

Sec. 6.5. (a) A water treatment plant operator or water distribution system operator certified under this chapter may renew the operator's certificate triennially by:

- (1) paying a renewal fee of thirty dollars (\$30); and
- (2) meeting any continuing education requirements established by the department.

(b) The:

- (1) fee is due and payable; and
- (2) proof of compliance with continuing education requirements must be submitted to the department;

before July 2 of the year for which a renewal certificate is to be issued.

(c) A water treatment plant operator or a water distribution system operator who fails to renew a certificate within one (1) year after the date the certificate expires may not receive a renewal certificate without reexamination.

As added by P.L.132-2000, SEC.5.

IC 13-18-11-7

Notice of expiration

Sec. 7. (a) The commissioner shall notify by mail each person certified by the commissioner as a wastewater treatment plant operator under this chapter of the following:

- (1) The date of the expiration of the operator's certificate.
- (2) The amount of the required fee for renewal for two (2) years.

(b) The commissioner shall mail the notice at least one (1) month in advance of the date of expiration of the person's certificate to the last known address of the individual on file with the commissioner.
As added by P.L.1-1996, SEC.8. Amended by P.L.132-2000, SEC.6.

IC 13-18-11-7.5

Notice regarding certificate and renewal

Sec. 7.5. (a) The commissioner shall notify by mail each person certified by the commissioner as a water treatment plant operator or water distribution system operator under this chapter of the following:

- (1) The date of expiration of the operator's certificate.
- (2) The amount of the required fee for renewal for three (3) years.
- (3) The continuing education required for renewal for three (3) years.

(b) The commissioner shall mail the notice at least one (1) month in advance of the date of expiration of the person's certificate to the last known address of the individual on file with the commissioner.
As added by P.L.132-2000, SEC.7.

IC 13-18-11-8

Suspension or revocation

Sec. 8. (a) The commissioner may suspend or revoke the certificate of an operator, following a hearing under IC 13-15-7-3 and IC 4-21.5, if any of the following conditions are found:

- (1) The operator has practiced fraud or deception.
- (2) Reasonable care, judgment, or the application of the operator's knowledge or ability was not used in the performance of the operator's duties.
- (3) The operator is incompetent or unable to properly perform the operator's duties.

(b) A hearing and further proceedings shall be conducted in accordance with IC 4-21.5-7.

As added by P.L.1-1996, SEC.8. Amended by P.L.25-1997, SEC.9; P.L.132-2000, SEC.8.

IC 13-18-11-9

Certificates to operators from other states; reciprocity

Sec. 9. The commissioner may, upon receipt of an application and payment of the fee, issue a certificate without examination in a comparable classification to any person who holds a certificate in

any state of the United States if:

- (1) the requirements for certification of operators under which the person's certificate was issued:
 - (A) do not conflict with this chapter; or
 - (B) are of a standard not lower than that specified by this chapter and the rules adopted under this chapter; and
- (2) reciprocal privileges are granted to certified operators of Indiana.

As added by P.L.1-1996, SEC.8.

IC 13-18-11-10

Plant operators; certificates of competency; exceptions

Sec. 10. (a) Certificates in appropriate classification shall be issued upon application and payment of the fee to operators of wastewater treatment plants who, on July 1, 1968, hold certificates of competency attained by examination under the voluntary certification program administered by:

- (1) the Indiana Water Pollution Control Association; or
- (2) the Indiana Section, American Water Works Association.

However, application for a certificate under this subsection must be made not later than July 1, 1969.

(b) Certificates of proper classification shall be issued upon payment of the fee without examination to each person certified by the governing body or owner to have been in direct responsible charge of the wastewater treatment plant on July 1, 1968. A certificate issued under this subsection is valid only for that particular wastewater treatment plant, which the certificate must indicate.

As added by P.L.1-1996, SEC.8. Amended by P.L.132-2000, SEC.9.

IC 13-18-11-10.5

Issuance of certificate

Sec. 10.5. (a) The commissioner may issue a certificate to a person under this chapter if all of the following conditions are met:

- (1) The person is an operator in responsible charge of a water treatment plant or water distribution system that was:
 - (A) in operation before September 2, 2000; and
 - (B) required to have a certified operator for the first time under rules adopted in accordance with guidelines published by the United States Environmental Protection Agency in the Federal Register at 64 FR 5916 et seq.
- (2) The owner of the water treatment plant or water distribution system applies for a certificate for the operator in responsible charge before September 1, 2002.
- (3) The certificate issued by the commissioner:
 - (A) is site specific; and
 - (B) may not be transferred to another operator.
- (4) The certificate will become invalid if the classification of the water treatment plant or water distribution system for which the certificate was issued changes to a higher level.

(b) A person certified under subsection (a) must meet all requirements for certification renewal that apply to the classification of the water treatment plant or water distribution system to renew the certificate under this chapter.

(c) A person certified under subsection (a) who commences work for a different water treatment plant or water distribution system must meet the initial certification requirements for the plant or system.

(d) Notwithstanding section 14 of this chapter, a water treatment plant or water distribution system that meets the conditions of subsection (a)(1) may continue to operate if the water treatment plant or water distribution system applies to the commissioner for certification of the operator in responsible charge of the water treatment plant or water distribution system as provided in this section.

As added by P.L.132-2000, SEC.10.

IC 13-18-11-11

Plant supervision by certified plant operator; exceptions

Sec. 11. (a) All water or wastewater treatment plants and water distribution systems, whether publicly or privately owned, must be under the supervision of an operator whose competency is certified to by the commissioner in a classification corresponding to the classification of the plant or distribution system to be supervised. However, this section does not prohibit a governmental agency, a corporation, or an individual from continuing to employ in that capacity a person in responsible charge of the operations of the works if the person is certified under section 10 of this chapter.

(b) A certified operator may supervise more than one (1) plant or system if it can be shown that adequate supervision to ensure safe and effective operation is provided for all plants and systems supervised.

As added by P.L.1-1996, SEC.8.

IC 13-18-11-12

Plant operators; vacancies; provisional certification

Sec. 12. (a) When a vacancy in a position of operator occurs due to death, resignation, extended illness, or a similar cause, the vacancy may be filled for a period not exceeding one (1) year by an operator with a provisional certification.

(b) On written request of the governing body or owner of a wastewater or public water system, the commissioner may issue a provisional certification under subsection (a) to a person with the required education and experience qualifications, until the person has had an opportunity to qualify by examination and be certified under this chapter.

As added by P.L.1-1996, SEC.8. Amended by P.L.184-2002, SEC.13.

IC 13-18-11-13

Rule

Sec. 13. The board shall adopt rules under IC 4-22-2 that are necessary to carry out the intent of this chapter. The rules must include the following:

- (1) Provisions establishing the basis for classification of water treatment plants, water distribution systems, and wastewater treatment plants.
- (2) Provisions establishing qualifications of applicants and procedures for examination of candidates.
- (3) Other provisions that are necessary for the administration of this chapter.

As added by P.L.1-1996, SEC.8.

IC 13-18-11-14

Plant operation by certified operators

Sec. 14. (a) A person, firm, or corporation, whether municipal or private, may not operate a water or wastewater treatment plant or a water distribution system unless the commissioner has certified the operator in responsible charge under this chapter.

(b) A person may not perform the duties of an operator in responsible charge of works described in subsection (a) without being certified under this chapter.

As added by P.L.1-1996, SEC.8.

IC 13-18-11-15

Fees; deposit

Sec. 15. All fees collected under this chapter shall be deposited with the treasurer of state.

As added by P.L.1-1996, SEC.8.

IC 13-18-11-16

Violations

Sec. 16. A person who violates this chapter commits a Class C infraction. Each day of violation of this chapter constitutes a separate infraction.

As added by P.L.1-1996, SEC.8.